

STATE OF NORTH CAROLINA

CHATHAM COUNTY

VIRGINIA HILL,  
Plaintiff,

vs.

WAL-MART STORES EAST, LP  
Defendant.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

FILE No.:

17CV5049

FILED

2017 OCT 20 A 11:15

COMPLAINT

CHATHAM CO. C.S.C.

(Code: COMP; NEGO)

NOW COMES the plaintiff Virginia Hill ("Plaintiff"), complaining and alleging against the defendant, Wal-Mart Stores East, LP ("Defendant"), as follows, that:

1. Plaintiff is a resident of Moore County, North Carolina.
2. Defendant is a duly organized corporation under the laws of Delaware with its principal office address in Bentonville, Arkansas.
3. Defendant is a retail chain that owns supercenter stores open to the public all across North Carolina.
4. On the morning of September 01<sup>st</sup>, 2017 Plaintiff visited Defendant's store located in Chatham County at 14215 U.S. Highway 64 West, Siler City, NC 27344 ("the Wal-Mart").
5. At the above stated date and time, Plaintiff entered the Wal-Mart through the Garden Center as a lawful customer.
6. As Plaintiff began walking from the Garden Center through the main aisle of the Wal-Mart's interior, Plaintiff slipped on a piece of resin grating that was on the floor in the middle of the aisle, causing Plaintiff to then fall to the ground (Plaintiff's fall").
7. On information and belief, Defendant's agents were in the process of erecting a flower display in the aisle, when one of Defendant's agents placed the piece of the plastic/resin grating on the floor to serve as the display's foundation.
8. On information and belief, Defendant's agents and had not marked the construction area of the display or otherwise warned other patrons of the hazards lying on the floor in aisle.
9. At all times relevant hereto, Defendant negligently breached its duty of ordinary care to Plaintiff by:
  - a. failing to keep and maintain the areas of its store open to the public in a reasonably safe condition;

- b. failing to warn Plaintiff of an unapparent danger of which it knew or should have known about;
- c. failing to make reasonable inspection of the floor area in question and to correct the unsafe condition which an inspection would have revealed;
- d. failing to keep its premises safe and free of non-obvious defects; and
- e. in other ways as will be determined through discovery and trial;

10. Defendant's herein described negligence is the sole and proximate cause of Plaintiff's fall, and of Plaintiff suffering personal bodily injuries therefrom.

11. Plaintiff's fall is the sole and proximate cause of Plaintiff suffering the following damages in excess of twenty-five thousand dollars (\$25,000.00):

- a. medical and treatment expenses;
- b. past and future physical pain and mental suffering; and
- c. permanent injury.

WHEREFORE, Plaintiff prays this court for the following relief against Defendant:

- 1. To recover from Defendant a sum in excess of \$25,000.00 for personal injuries.
- 2. Pre-judgment interest as allowed by law.
- 3. That the costs of this action, including attorney fees, be taxed to Defendant.
- 4. For such other and further relief as the Court deems just and proper.

This the 17<sup>th</sup> Day of October, 2017

**WILSON REVIES & SILVERMAN, PLLC**

By: \_\_\_\_\_

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